

Before the  
Postal Regulatory Commission  
Washington DC 20268-0001

Gepp Post Office  
Gepp, Arkansas

Docket No. A2011-60

PUBLIC REPRESENTATIVE'S NOTICE OF EMERGENCY SUSPENSION  
AND REQUEST FOR RELATED RELIEF

(September 13, 2011)

I. INTRODUCTION

This filing is submitted to provide a timely supplement to the record in this case on matters that affect the interests of the general public. It informs the Commission of last week's emergency suspension of the post office in Gepp ("jeep"), Arkansas and the Postal Service's apparent wholesale abandonment of the premises since then. It is also seeks interlocutory relief for the patrons of the Gepp Post Office, such as a full and detailed explanation from the Postal Service of the reason for the emergency suspension (if this has not yet been provided); a statement as to whether the office will re-open prior to the expiration of the appeal process; and clarification of the impact of the suspension on the appeal process. This information should also be provided to the Commission in a timely fashion.

This filing is accompanied by a contemporaneous Motion for Acceptance.

## II. RECENT DEVELOPMENT—EMERGENCY SUSPENSION

Gepp is located in northern Arkansas, about 16 miles from Mountain Home, a popular resort and retirement community in Ozarks, and about 114 miles from Little Rock, the state capital. It is also about eight miles from the state of Missouri's southern border.<sup>1</sup>

As the Commission is aware, the Gepp Post Office is another in a long and ever-growing list of post offices across the Nation that the Postal Service is seeking to close. Under the procedural schedule issued in the case, the next filings from the Petitioners and any related comments from the Public Representative are due October 6, 2011. However, Petitioners Rivera and Adams informed me last Thursday that an emergency suspension notice had been posted at the Gepp Post Office, that all post office boxes had been removed, and that a rather cryptic posting told patrons to pick up their mail in Viola. (Viola is also the location the Postal Service has identified as the place where current patrons of the Gepp Post Office will obtain their mail if the closing is approved.) Today, I was informed that it appears the Postal Service has removed all vestiges of its presence from the building in Gepp.

The Postal Service attorney assigned to this case subsequently confirmed, in a telephone conversation, that the reported suspension had, in fact, occurred. At that time, she also said she believed the reason for the suspension was that the Officer in Charge (OIC) was not able to perform her duties, but did not know precisely why that was the case. In a follow-up call, the Postal Service attorney said the reason the OIC could not perform her duties stemmed from contractual terms which require a 5-day break in service after a certain period in service, not illness or extended absence from the area for other reasons. The Postal Service attorney did not know whether the office would re-open after the 5-day break, but confirmed that the post office boxes had been moved to Viola.

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<sup>1</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, November 19, 2009 (Order No. 342).

In short, the emergency suspension was not due to fire, flood or some other unexpected problem, but to a clause the Postal Service presumably was aware of (or should have been aware of) when it sought to close the Gepp Post Office. Moreover, if the OIC has been working for the Postal Service for some time, this may not be the first time the 5-day break requirement would have been triggered. If so, it would be useful to know the impact on operations of the Gepp Post Office if one or more previous 5-day breaks have occurred.

### III. REQUESTED RELIEF

Given that some patrons of the Gepp Post Office have invoked the statutory appeal process, it is in the public interest for the Postal Service to provide them with more detailed information about the reason for the emergency suspension. Moreover, under the circumstances, where fire and flood apparently are not an issue, it would have been preferable if this information had been provided to each patron by letter prior to the suspension. A terse notice on the building door may satisfy the strict letter of the law, but leaves the patrons of the local post office seriously questioning the Postal Service's actions and believing that a federal agency is abusing its power.

The assigned Postal Service attorney has informally indicated that the Postal Service may undertake more detailed disclosure to the patrons on its accord. If so, that would provide a limited measure of relief to patrons, especially if the message recognizes the alarm and concern this development has caused. It would also be helpful if the Postal Service provides a copy of that notice to the Commission, as well.

In addition, it is my understanding that the Postal Service, for some time, has followed the practice of keeping post offices open during the appeal process, even if patrons do not technically comply with a Commission rule requiring them to file an application for suspension of a final determination to close. (See rule 3001.114). The Public Representative commends the Postal Service for adopting this practice and

recognizes that circumstances may arise that nevertheless require an emergency suspension during the appeal process. In these cases, it would seem to make sense for the Postal Service to provide the affected patrons with a detailed explanation of the reason for the suspension (apart from a minimal statement posted on the door), to provide information about the possibility of re-opening prior to the expiration of the appeal period, and to address the impact on the appeal process. Out of respect for that process, this information should also be provided to the Commission in a timely manner.

#### IV. CONCLUSION

The emergency suspension of the Gepp Post Office has shaken the patrons who have been participating in the appeal process in good faith. Understandably, some view the emergency suspension as a bureaucratic subterfuge and end-run around the statute. They fear that the closing is a *fait accompli*, and question whether further participation in the process would be a farce. On behalf of the patrons of the Gepp Post Office — and of patrons of post offices that may be similarly affected in the future — I respectfully request that the Commission exercise its good offices to provide the Postal Service with an opportunity to put the Gepp Post Office patrons' fears to rest and to provide appropriate equitable relief.

The Petitioners in this case and the Postal Service are aware of this filing and its general contents.

I would like to acknowledge the effort the Petitioners have put into contacting me and explaining this development. Without that effort, I would not have been aware of the emergency suspension. I also acknowledge the promptness with which the assigned Postal Service attorney and others in the United States Postal Service's Office of General Counsel responded to my inquiries about this matter. I recognize that their resources are especially strained at this time.

Respectfully submitted,

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